

DOCKET NO.: UPN-4377/P3152

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

David C. Myles, et al.

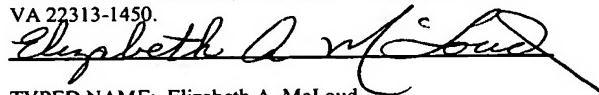
Application No.: 10/817,532

Filing Date: April 2, 2004

For: SYNTHETIC TECHNIQUES AND INTERMEDIATES FOR POLYHYDROXY  
DIENYL LACTONES AND MIMICS THEREOF

Confirmation No.: Not Yet Assigned

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Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:
  - Certification in Accordance with § 1.97(e) is attached; or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
  - Certification in Accordance with § 1.97(e) is attached;
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  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

## EXCEPT THAT:

- In view of the voluminous nature of reference number 1, and the likelihood that this reference is available to the Examiner, a copy is not enclosed herewith.
- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No.

, filed

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- The relevance of those listed references which are not in the English language is as follows:
- There are no listed references which are not in the English language.

Date:

*June 7, 2004*  
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**Form PTO-1449 Modified**

List of Patent and Publications  
Cited by Applicant  
(Use several sheets if necessary)

U.S. Department of Commerce  
Patent and Trademark Office

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Group  
Not Yet Assigned

Confirmation No.  
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**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

*	<b>1</b>	Greene, et al., <u>Protective Groups in Organic Synthesis</u> , 3 <sup>rd</sup> Ed., <i>John Wiley &amp; Sons, NY, 1999</i>
	<b>2</b>	Gunasekera, S.P., et al., "Discodermolide: a new bioactive polyhydroxylated lactone from the marine sponge <i>discodermia dissolute</i> ," <i>J. Org. Chem.</i> , 1990, 55, 4912-4915 (original article) (correction published in journal at: <i>J. Org. Chem.</i> , 1991, 56, page 1346)
	<b>3</b>	Hung, D.T., et al., "(+)-discodermolide binds to microtubules in stoichiometric ratio to tubulin dimmers, blocks taxol binding and results in mitotic arrest," <i>Chem. &amp; Biol.</i> , 1996, 3, 287-293
	<b>4</b>	Hung, D.T., et al., "Distinct binding and cellular properties of synthetic (+)- and (-)-discodermolides," <i>Chem. &amp; Biol.</i> , 1994, 1, 67-71
	<b>5</b>	Longley, R.E., et al., "Discodermolide—a new, marine-derived immunosuppressive compound," <i>Transplantation</i> , 1991, 52(4), 650-656
	<b>6</b>	Longley, R.E., et al., "Discodermoldine—a new, marine-derived immunosuppressive compound," <i>Transplantation</i> , 1991, 52(4), 656-661
	<b>7</b>	Longley, R.E., et al., "Immunosuppression by discodermolide," <i>Ann. N.Y. Acad. Sci.</i> , 1993, 696, 94-107
	<b>8</b>	Martello, L.A., et al. "The relationship between taxol and (+)-discodermolide: synthetic analogs and modeling studies," <i>Chem. &amp; Biol.</i> , 2001, 8, 843-855
	<b>9</b>	Nerenberg, J.B., et al., "Total synthesis of the immunosuppressive agent," <i>J. Am. Chem. Soc.</i> , 1993, 115, 12621-12622
	<b>10</b>	Smith, A.B., et al., "A practical improvement, enhancing the large-scale synthesis of (+)-discodermolide: a third-generation approach," <i>Org. Lett.</i> , 2003, 5(23), 4405-4408
	<b>11</b>	ter Haar, E., et al., "Discodermolide, a cytotoxic marine agent that stabilizes microtubules more potently than taxol," <i>Biochemistry</i> , 1996, 35, 243-250

**EXAMINER****DATE CONSIDERED**

\* A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examiner.

**Form PTO-1449 Modified**

List of Patent and Publications  
Cited by Applicant  
(Use several sheets if necessary)

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**U. S. PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Name</b>	<b>Class</b>	<b>Subclass</b>
	<b>12</b>	5,789,605	08/04/98	Smith, III, et al.	549	370
	<b>13</b>	6,031,133	02/29/00	Smith, III, et al.	564	170
	<b>14</b>	6,096,904	08/01/00	Smith, III, et al.	549	292
	<b>15</b>	6,242,616 B1	06/05/01	Smith, III, et al.	549	292
	<b>16</b>	2002/0103387 A1	08/01/02	Smith, III, et al.	549	292

**FOREIGN PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Country</b>	<b>Translation</b>	
					<b>YES</b>	<b>NO</b>
	<b>17</b>	WO 03/013502 A1	02/20/03	PCT		

**EXAMINER****DATE CONSIDERED**